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Attorney for Defendant,
JAMES FOLSOM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA Plaintiffs, vs. JAMES FOLSOM	Criminal Case No.: 07-CR-2852-JAH RESPONSE TO GOVERNMENT'S MOTION FOR HANDWRITING EXEMPLARS
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COMES NOW Defendant, JAMES FOLSOM, by and through his attorney of record, Carlos F. Negrete, Law Offices of Carlos F. Negrete, and hereby files his Reply to the Government's Motion for Handwriting Exemplar.

Defendant, Folsom recognizes that the Constitution does not prevent the government from requiring individuals to give handwriting exemplars as a part of the investigation because there is “no expectation of privacy in the physical characteristics of the person’s script.” (*United States v. Mara* (1973) 410 U.S. 19, 21.) However, the Supreme Court clarified its ruling in *Mara*, by holding that the writing exemplar is permitted only to be used “solely as a standard of comparison.” (*Id.* at 22.) The Court noted that “if the government should seek more than the physical characteristics of the witness’ handwriting, then the witness should assert his Fifth Amendment privilege against self incrimination.” (*Ibid.*)

1 Folsom therefore requests that the government disclose what type of exemplar it is seeking so that
2 he is able to make a determination as whether the exemplar being sought is seeking more than just the
3 physical characteristics of Folsom's handwriting. Once the government reveals what exemplar it is
4 seeking, Folsom will decide whether he has the right to seek protection under the Fifth Amendment.

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8 Dated: April 10, 2008

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